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SUBJECT: UZBEKISTAN: THE IMPOSSIBLE IPR DREAM?

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¶1. (SBU) SUMMARY. On March 10 Ibragim Amanbaev, Acting Director of the Uzbek Copyright Agency, brought us up to date on the current status of IPR legislation and enforcement in Uzbekistan. The picture he painted was one of an underfunded, understaffed agency in which a total of four IPR inspectors are responsible for the entire country. We were impressed, however, with the earnestness of Amanbaev and his staff and the work that his agency is doing under difficult conditions. The Uzbek Copyright Agency would welcome, and we support, assistance and training programs through USPTO, the Department of Commerce, and other U.S. agencies.
END SUMMARY

FROM SOVIET ASHES: DEVELOPMENT OF IPR IN
UZBEKISTAN

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¶2. (SBU) On March 10 we met with Ibragim Amanbaev, Acting Director of Uzbek Copyright Agency (UCA), to get an understanding of how protection of Intellectual Property Rights (IPR) is progressing in Uzbekistan. Today's UCA had its origin as the Uzbek branch of the Soviet Union's All-Union Copyright Agency, an organization that had no concept of IPR as it existed in the rest of the world. UCA became a standalone agency after Uzbekistan gained independence in 1991. For most of the eighteen years since then, UCA has operated on the basis of Presidential decrees and instructions issued by the Government of Uzbekistan (GOU).

¶3. (SBU) Uzbekistan has the long-term goal of joining the World Trade Organization (WTO). Consequently, the GOU has been attempting to develop IPR legislation in accordance with the requirements and standards of the WTO's Agreement on Trade Aspects of Intellectual Property. In the

summer of 2006 the GOU finally adopted a law on copyrights and allied rights, which created the legal framework for further IPR development and enforcement in Uzbekistan. The law also aimed to bring Uzbekistan into accordance with the Bern Convention on Protection of Literature and Art Products. When it joined the Bern Convention, however, Uzbekistan did so with caveats on Article 18 (ref A).

CURRENT STATE OF IPR

¶4. (SBU) Since 2006 the UCA has acted in accordance with the 2006 IPR law and several other regulatory documents issued in 2007 and 2008. UCA is doing its best to keep IPR issues on the GOU's agenda with the goal of improving both legislation and enforcement. Amanbaev said, however, that the Uzbek market is not ready for strict IPR enforcement since the very concept of IPR is new to Uzbekistan. UCA is doing its best to educate the population, market players, businesses, authors, and copyright holders via frequent articles in the mass media. Nevertheless, lack of understanding of what IPR stands for continues to create confusion and loose enforcement.

¶5. (SBU) Amanbaev continued that there are still many holes in Uzbekistan's IPR legislation and enforcement. A good example is licensing. For

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example, the Uzbek Movie Agency Uzbekkino issues licenses to produce movies, and local government agencies issue licenses to entrepreneurs to reproduce and sell CDs and DVDs. But neither Uzbekkino nor the local agencies have a role in IPR enforcement. Thus UCA has requested that the GOU appoint it as the single agency to issue licenses and enforce IPR. UCA is working with the GOU to identify a broad spectrum of IPR issues that must be addressed in order to have comprehensive legislation and an empowered UCA that has full IPR enforcement authority and the tools to regulate the market.

¶6. (SBU) Amanbaev acknowledged that imperfect legislation makes it hard to fight counterfeiting. Moreover, most copyright holders do not take the initiative to protect their copyrights or even to make their works available in a legal, licensed product. In the absence of claims from manufacturers and authors, UCA can not take action to protect them.

FOUR IPR INSPECTORS FOR AN ENTIRE COUNTRY

¶7. (SBU) UCA faces organizational hurdles too. To begin with, it has a staff of only sixteen. Of these, only 4 (FOUR) are actual IPR inspectors. The rest are administrative staff. Thus 4 IPR inspectors have responsibility for IPR investigations in a country of 27 million. These 4 inspectors are based in Tashkent, and UCA has no presence in the provinces.

¶8. (SBU) Even if he had the money to hire additional staff, Amanbaev said it would be almost impossible to find qualified inspectors. There are no programs in Uzbekistan to train IPR specialists. Amanbaev said he wants to strengthen his organization's capacity and that training is key. He said he would be very interested in working with appropriate U.S. agencies on IPR issues and would

welcome opportunities to send his staff to the U.S. for training and to participate in IPR programs.

¶19. (SBU) Amanbaev told us his main task for the future is to continue working within the GOU -- through amendments to the 2006 IPR law if necessary -- to give his agency more enforcement authority and make it the sole organization responsible for IPR issues in Uzbekistan. To date, he continued, UCA has had to turn to other law enforcement agencies -- for example the tax agency, the prosecutors office, and police --to conduct raids on vendors of counterfeit DVDs and CDs. He said UCA needs to establish branches in every region of the country in order to provide IPR protection at regional and local levels.

COMMENT

¶10. (SBU) UCA clearly is still in the position of having to prove its worth to the GOU, but from Amanbaev's description it appears that UCA's standing has improved in recent years. UCA now has some influence, and its role is likely to increase if the GOU wishes to pursue WTO membership seriously. Adequate IPR protection will be necessary if Uzbekistan is to have any chance of WTO membership.

¶11. (SBU) As we left, we stood with Mr. Amanbaev on the steps of the Copyright Agency and looked across

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Navoi Street to Tashkent's largest, most popular string of electronics shops and stalls. We expressed our doubt that it would be possible to find a single licensed CD or DVD for sale in these shops (ref B), and Amanbaev did not protest.

¶12. (SBU) Post strongly supports UCA's participation in training programs through USPTO, the Department of Commerce, and other U.S. agencies. We sensed sincerity in Mr. Amanbaev and his associates and a vision that someday his agency would have the power and authority to bring Uzbekistan into the modern world of IPR. Meanwhile we are haunted by the thought that 4 lonely IPR inspectors are traveling the potholed byways of Uzbekistan, tilting at windmills, and dreaming the impossible dream.

NORLAND